

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA
Plaintiff
v.
LAWRENCE L. THOMPSON,
Defendant

NO. CR 14-212 RSL

Defendant Thompson's SR
Revocation Memo

Hearing Date: 12/16/21 at 11:30 a.m.

Introduction

We anticipate that Lawrence Thompson will admit to the 6 pending violations set forth in the series of Petitions/Supplemental Petitions in this case, leaving the sole issue of punishment as the focus of our hearing.

These Violations are as follows:

1. Failing to report for UA testing 3x in September 2021;
2. Using Methamphetamine on 10/15/21;
3. Using Methamphetamine on 10/26/21;
4. Using Fentanyl around 10/26/21 and 10/31/21;
5. Failure to participate in mental health treatment around 10/28/21
6. Failure to participate in substance abuse treatment around 10/29/21

1 The new/instant 6 SR Violations involve Mr. Thompson's continued drug
2 use, and a frightening trip to the ER after overdosing on Fentanyl in late October
3 2021 related to Violation #3. See Violation See Docket 95 (10/20/21 Petition for
4 Violations 1-2); Docket 100 (3-6). Mr. Thompson made his initial appearance on
5 11/19/21 and was ordered detained.

6 Mr. Thompson will tell the Court that he once again socialized with friends
7 he should avoid; they supplied him with drugs, and he ingested them. While he
8 maintains he did not intend to ingest Fentanyl (Violation 3), he socialized with
9 friends who are drug users, and this fraternization only serves to worsen his drug
10 addiction and land him back in court.

11 Mr. Thompson continues to struggle with an assortment of health issues,
12 which are so bad that he has a hard time walking and tolerating the pain. He has a
13 supportive mother who wants her son to remain sober, and will help him achieve this
14 goal. The consensus of virtually everyone is that Mr. Thompson needs inpatient
15 treatment, but the health care system/government programs thus far have failed to
16 meet this need. Mr. Thompson remains hopeful he will find placement.

17 Mr. Thompson wishes to emphasize that he has not committed any new
18 crimes while on the instant term of Supervision, other than his illegal drug use.
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Discussion

A. The Statute and USSG

Title 18 USC 3583(e) authorizes the Court to revoke supervision if a preponderance of the evidence reveals a violation of supervision. See Id (sub para 2-4). The Court may impose incarceration, the latter of which may involve prison time, or an alternative to incarceration, such as electronic home monitoring. 18 USC 3583(e)(3-4). In deciding how to punish a violation, the Court is guided by many of the same 3553 factors it considered during the original sentencing. See 18 USC 3583 (e). The Federal Rules of Evidence do not apply to supervised release violation hearings. US v. Walker, 117 F.3d 417, 421 (9th Cir. 1997).

USSG 7B1.3(a)(2) gives the court similar leeway. The instant violations, like those last time, are Grade C. As such, the court may, but is not required to, revoke supervision and impose a sentence of imprisonment. We agree with Probation's calculations regarding the advisory range in this case (7-13 months for a CH of V). See USSG 7B1.4.

In lieu of incarceration, the Court may extend the term of supervision, or modify conditions. See USSG 7B1.3(a)(2).

The USSG also allows for home confinement if additional supervision is imposed. How much of the incarceration may be served on home confinement depends on the minimum range of time the defendant faces. In our case, the minimum range is more than 6 months and therefore the USSG allow up to ½ of the

1 Mr. Thompson appreciates the efforts of USPO Cowles, who he finds to be a
2 caring and supportive Probation Officer. He feels this Court has been equally
3 supportive. But Mr. Thompson feels he will not reap the benefits of further
4 Supervision and that this Court's limited resources are better spent on others. He is a
5 drug addict, and we maintain long-term BOP incarceration, particularly in the
6 pandemic, does not benefit societal needs.

7 Respectfully submitted this date.

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9 By: /s/Phil Brennan_____
10 PHIL BRENNAN, WSBA #25711*
Attorney for Mr. Thompson; Date: 12/9/21

11 *Certificate of Delivery

12 I certify under penalty of perjury that today I filed this document on ECF and
13 emailed a copy to USPO Cowles.
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